

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE TRAVELERS INDEMNITY COMPANY,
successor in interest by merger to GULF
INSURANCE COMPANY,

CIVIL ACTION NO.: 07-cv-4032

Plaintiff,

v.

MODERN INDUSTRIES, INC., RONEN
KOZOKHAR (a/k/a RONEN KOZOHAL),
and ALLA KRASNER,

REQUEST TO ENTER DEFAULT
AGAINST DEFENDANT MODERN
INDUSTRIES, INC.

Defendants.

State of New Jersey)
) ss:
County of Morris)

Scott A. Levin, of full age, being duly sworn according to law, upon my oath, depose and say:

1. I am an attorney at law duly admitted to practice before the United States District Court for the Southern District of New York and am associated with the firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP. I am familiar with all the facts and circumstances in this action.

2. I make this Affidavit on behalf of The Travelers Indemnity Company, successor in interest by merger to Gulf Insurance Company ("Travelers") pursuant to Rule 55.1 of the Civil Rules for the Southern District of New York, in support of Travelers' application for the entry of default against Defendant Modern Industries, Inc. ("Modern").

3. Defendant Modern was properly served with a copy of the Summons and Complaint and the Judges' Rules pursuant to Section 306 of the Business Corporation Law on June 5, 2007, as appears on the proof of service filed with the Court on June 11, 2007.

4. Defendant Modern has failed to plead or otherwise defend the action.
5. Defendant Modern, as a corporation, cannot be an infant, an incompetent person, or be in the military.

WHEREFORE, Plaintiff, The Travelers Indemnity Company, successor in interest by merger to Gulf Insurance Company, respectfully requests that the default of Modern Industries, Inc. be noted and entered on the docket.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

By: 

Scott A. Levin (SL-9041)

Sworn to and subscribed before
me this 6th day of August, 2007


John Sydlar
Attorney-at-Law in the State of New Jersey
8/6/07